

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 24-cr-20532

Honorable Susan K. DeClercq

vs.

William A. Smith,

Defendant.

Stipulated Preliminary Order of Forfeiture

Plaintiff, by and through its undersigned attorneys, together with the defendant William A. Smith, by and through his undersigned attorneys, are still briefing the issue of attorney fees related to the forfeiture of two retirement accounts (see ECF 30), but agree on most of the forfeiture issues.¹ Accordingly, the parties submit this Stipulated Preliminary Order of Forfeiture for immediate entry, and stipulate and agree to the following:

Based on defendant William A. Smith's guilty plea to Count One, Wire Fraud, in violation of 18 U.S.C. § 1343 and Count Two, Laundering of Monetary Instruments, in violation of 18 U.S.C. § 1956(a)(1)(B)(i), the

¹ The Government's removal of real property located at 16528 Biltmore, Detroit, MI from the list of property on this stipulated Order does not indicate a commitment or agreement not to pursue forfeiture in the future.

Government's Partial Consent Application for Entry of Preliminary Order of Forfeiture, Defendant's Response thereto, all information contained in the record, and pursuant to 18 U.S.C. §981(a)(1)(C) together with 28 U.S.C. § 2461(c), 18 U.S.C. §982(a)(1), and Federal Rule of Criminal Procedure 32.2, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Court **ENTERS** a forfeiture money judgment in the amount of Forty-Five Million Five Hundred Twelve Thousand One Hundred Fifty-Eight Dollars and Fifty-Nine Cents (\$45,512,158.59) against the defendant in favor of the United States. The forfeiture money judgment shall become final upon entry because ancillary proceedings are not required for a money judgment. Based on the Rule 11 and the record in this case, the Court finds that the forfeiture money judgment represents the total amount of proceeds the defendant obtained or derived, directly or indirectly, from his violations of 18 U.S.C. § 1343 and 1956. To further satisfy the forfeiture money judgment, any assets that the defendant has now, or may later acquire, may be forfeited as substitute assets under 21 U.S.C. § 853(p)(2).

2. The following "Subject Property" is hereby **FORFEITED** to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) together with 28 U.S.C. § 2461(c) and 18 U.S.C. §982(a)(1), for disposition according to law, and any right, title, or interest of defendant, and any right, title, or interest that his heirs,

successors or assigns have, or may have, in any of the Subject Property is forever extinguished:

Cash/Bank Accounts:

- a. \$104,682.19 in funds from Bank Account XXXXX9397 held in the name of Charlotte Smith and William Smith, III at JPMorgan Chase Bank, N.A. Monroe, LA (24-FBI-006702);
- b. Cashier's check in the amount of \$77,827.38 remitted to United States Marshal Service by William A. Smith (25-FBI-000254);
- c. Cashier's check in the amount of \$72,721.60 remitted to the United States Marshal Service by Global Escrow Solutions LLC (25-FBI-000356);
- d. All funds on deposit in Chase Bank Account 0995 (approximately \$3,523.01 as of 01/30/2025);
- e. All funds on deposit in Chase Bank Account 2235 (approximately \$1,477.88 as of 01/30/2025);
- f. All funds on deposit in Chase Bank Account 9324 (approximately \$3,290.19 as of 01/30/2025);
- g. All funds on deposit in Chase Bank Account 5531 (approximately \$1,119.08 as of 01/30/2025);
- h. All funds on deposit in Chase Bank Account 9099 (approximately \$1,055.67 as of 01/30/2025);
- i. All funds on deposit in Chase Bank Account 2159 (approximately \$947.99 as of 01/30/2025);
- j. All funds on deposit in Chase Bank Account 1285 (approximately \$1,084.26 as of 01/30/2025);
- k. All funds on deposit in Chase Bank Account 3552 (approximately \$199.21 as of 01/30/2025);
- l. All funds on deposit in Chase Bank Account 8716 (approximately \$946.88 as of 01/30/2025);
- m. All funds on deposit in Chase Bank Account 2056 (approximately \$908.80 as of 01/30/2025);
- n. All funds on deposit in Chase Bank Account 7183 (approximately \$1,547.55 as of 01/30/2025);
- o. All funds on deposit in Chase Bank Account 9169 (approximately \$127.94 as of 01/30/2025);
- p. All funds on deposit in Chase Bank Account 0106 (approximately \$2,364.23 as of 01/30/2025);
- q. All funds on deposit in Chase Bank Account 2006 (approximately

- \$0.00 as of 01/30/2025);
- r. All funds on deposit in Chase Bank Account 7813 (approximately \$32,389.49 as of 01/30/2025);
 - s. All Funds on deposit in the Capital Group Detroit Riverfront Conservancy 401K Account, Plan ID XXXX3824 (approximately \$633,982.87 as of 10/17/2024);
 - t. All Funds on deposit in the 401K Account for William Anthony Smith at Paychex, Inc. (approximately \$15,000 as of 2/11/2025);

Vehicles:

- u. 2021 Bombardier Can-Am motorcycle VIN 2BXRDE41MV000025;
- v. 2021 Bombardier Can-Am motorcycle VIN 2BXRDE42MV000017;
- w. 2020 Mercedes Sprinter van, VIN W1WV0FEY8L3745030;
- x. 2019 Jeep Wrangler, VIN 1C4HJXEG7KW533798;
- y. 2022 Chevrolet passenger van, VIN 1GAZGPF77N121430;
- z. 2021 36' Cruisers 35 Express Yacht, and any proceeds from the sale thereof;

Electronics:

- aa. Miscellaneous Electronics (24-FBI-008705):
 - 1. Lenova YOGA Laptop Computer 920-13IKB, SN: PF116TJR;
 - 2. HP Envy X360 m6 Convertible Laptop, SN: 8CG640332C;
 - 3. MacBook Pro, Model A1286, SN: C02HH5SJDV33;
 - 4. iPad 32GB, Model A1397, SN: DLXFPBM4DKPM;
 - 5. iPad, Model A1454, SN: F4KK923BF19G;
 - 6. iPad, Model A1432, SN: F4KJPF87F198;
 - 7. MacBook Air, Model A1370, SN: C02GV5SRDJYD;
 - 8. Lenovo YOGA 920-13IKB Laptop, Model 80Y7, SN: PF17CB6R;
 - 9. Flip phone, SN: Unknown;
 - 10. Cruzor Glide 8GB Flashdrive, SN: Unknown;
 - 11. Blackberry KEY2 phone, Model BBE100-5 with plastic cover, SN: Unknown;
 - 12. Blackberry phone, red in color, SN: Unknown;
 - 13. Blackberry phone, SN: Unknown;
 - 14. Barnes & Noble Nook Tablet, Model BNTV250, SN: Unknown;

Clothing/Shoes/Accessories:

bb. Box of Clothing (24-FBI-008706):

1. THRT, tan and cammo leather pants;
2. Black Gucci pants, size XXXL, style 698426;
3. Black Gucci jacket, red and green stripes down sleeves, size XXXL, style 696802;
4. We Are Legend, tan long sleeved shirt;
5. We Are Legend jacket, orange and black;
6. We Are Legend pants, orange and black;
7. Paper Planes pants, diamond pattern, gray, white, and black;
8. Detroit Pistons #2 shirt;
9. Detroit Pistons Basketball t-shirt;
10. Green and white striped collared shirt;
11. THRT jeans;
12. Paper Planes shirt, diamond pattern, gray, white, and black;
13. Puma, dry cell pants, black;
14. Puma, black jacket, 3XL;
15. Paper Planes knit pants, black, style 610003;
16. Paper Planes knit pants, black with white around ankles, style 610013;
17. Paper Planes solid black pants, style 600112;
18. Paper Planes solid black pants, style 600112;
19. Paper Planes solid black pants, style 600112;
20. Gray pony socks;
21. White Paper Planes socks;
22. Black Paper Planes socks;
23. Black Paper Planes knit beanie;
24. Black Paper Planes t-shirt;

cc. Miscellaneous Clothing and Accessories (24-FBI-008707):

1. Pistons Jacket;
2. Louis Vuitton Shoes, cream leather sneakers;
3. Louboutin Backpack, black and red;
4. Givenchy Shoes, black no lace sneakers;
5. Givenchy Shoes, black leather loafers, white sole, red band across top;
6. Louboutin Shoes, black short boots;
7. Louboutin Shoes;
8. Alexander McQueen Black Mens Sneakers;
9. Fendi Shoes, solid black sneakers;
10. Louboutin Shoes, black sneakers with red rippled soles;
11. Louboutin Shoes, cream and tan sneakers with white laces;
12. Louboutin Shoes, black and gray high tops;

13. Louboutin Shoes, blue high tops;
14. Louboutin Shoes, blue suede hightops;
15. Louis Vuitton Shoes, black and blue sneakers;
16. Louis Vuitton Shoes, Black leather with laces, white sole;
17. Louis Vuitton Shoes, Black and gray sneaker with laces;
18. Gucci Wallet, black with red and green stripe;
19. Gucci Hat, wicker with red and black ribbon;
20. Gucci Scarf, navy;
21. Gucci Scarf, black and gray shimmer;
22. Louis Vuitton Handbag, green with logos;
23. Gucci Shoes, white leather with red laces;
24. Fendi Handbag, light and dark brown;
25. Balenciaga handbag, gray with red and green stripe;
26. Louboutin Shoes, brown leather sandals;
27. Gucci Shoes, black sneakers with red and green stripes;
28. Gucci Wallet, gold logo with pearls;
29. Gucci Wallet, tan with Gucci small logos, red and green stripes;
30. Louis Vuitton Scarf, black and gray;
31. Louis Vuitton Wallet, tan leather;
32. Burberry Purse with cashmere scarf, camel check;
33. Gucci Shoes, black boots;
34. Gucci Shoes, white sneakers with red and green stripes;
35. Gucci Slides, pink;
36. Givenchy Shoes, black leather loafers, white sole;
37. Gucci Fanny Pack, white with red and black strap;
38. Chanel Handbag, black with chain handle;
39. Louis Vuitton Scarf, brown with tan logos;
40. Gucci Tall Boots, tan;

dd. Miscellaneous Clothing and Accessories (24-FBI-008708):

1. Calvin Klein black classic fit t-shirts;
2. Puma Clyde Post Game Runway shoes in regal blue-burnt red, size 13;
3. Pack of Calvin Klein boxers, size XL;
4. Puma jacket, regal blue-burnt red;
5. Puma pants, regal blue-burnt red;
6. Puma hat, regal blue-burnt red;
7. Legacy History Pride sweatshirt, purple and yellow trim;
8. Legacy History Pride shorts, purple and yellow trim;
9. Paper Planes pants, khaki colored;
10. White Paper Planes socks, size XL;

- 11. Puma Harlem shirt;
- ee. Miscellaneous Shoes (24-FBI-008709):
 - 1. Gucci sneaker, white with small logos;
 - 2. Puma sneaker, black with white sole, laces;
- ff. Miscellaneous Clothing and Accessories (24-FBI-008710):
 - 1. Ultra light plume calf sneakers, size 13, silver "ACE" on laces;
 - 2. Gucci handbag, red and green stripe;
 - 3. Gucci jacket, white zip up, red and navy stripes on arms, style 693024, size XXXL;
 - 4. Gucci Ace Sneaker, size 13;
- gg. Miscellaneous Shoes (24-FBI-008711):
 - 1. Louboutin sneakers, Triumph white/dye blue calf plain, size 13;
 - 2. Gucci slippers, navy with gold buckle;
 - 3. Gucci loafers, khaki with Gucci symbol, size 13;
 - 4. Gucci sneaker, white with Gucci in black and red;
- hh. Miscellaneous Clothing and Accessories (24-FBI-008712):
 - 1. Gucci shoes, tan sneakers with logos and white laces;
 - 2. Gucci scarf, red and white;
- ii. Twelve (12) Pairs of Designer Sunglasses (24-FBI-008713):
 - 1. Prada sunglasses, yellow;
 - 2. Prada sunglasses, blue, in box;
 - 3. Louis Vuitton sunglasses;
 - 4. Gucci sunglasses, aviators;
 - 5. Gucci tortoise sunglasses in case;
 - 6. Gucci sunglasses in burgundy case;
 - 7. Gucci sunglasses, black, in case;
 - 8. Gucci tortoise sunglasses in case;
 - 9. Louis Vuitton sunglass in orange box;
 - 10. Louis Vuitton sunglasses in case;
 - 11. Brown Gucci sunglasses with tortoise print in case;
 - 12. Gucci sunglasses in case, solid brown;
- jj. Miscellaneous Purses (24-FBI-008714):
 - 1. MCM purse, tan box shaped with silver clasp;
 - 2. MCM purse, tan with gold square on front;

3. Yves Saint Laurent purse, black leather with chain handle;
- kk. Three (3) Gucci Purses (24-FBI-008716):
 1. Gucci purse, navy, white trim, white strap, rectangular shaped;
 2. Gucci purse, navy, white trim, chain strap, cylinder shaped;
 3. Gucci purse, tan with diamond logos;
- ll. Two (2) Ballgowns (24-FBI-008717):
 1. Navy Chiara Boni ballgown;
 2. Navy lace Janique ballgown, style JA5013, size 16;
- mm. Miscellaneous Clothing and Accessories (24-FBI-008718):
 1. Black Louis Vuitton scarf, 100% cashmere;
 2. Louis Vuitton Purse, brown with tan strap;
 3. Louis Vuitton Purse, brown with tan handle and trim;
- nn. Miscellaneous Clothing and Accessories (24-FBI-008719):
 1. Louis Vuitton backpack;
 2. Louis Vuitton wallet;
 3. Louis Vuitton checkbook holder;
 4. MCM half oval purse;
 5. MCM rectangular purse;
 6. Guccy purse, black with gold writing;
 7. Chanel wallet;
 8. Warby Parker Sunglasses with case;
 9. Gucci sunglasses;
- oo. Tiffany & Co. Wine Glasses (24-FBI-008720);

Jewelry:

- pp. Miscellaneous Jewelry (24-FBI-008721):
 1. Mom diamond necklace, Golden Gifts Jewelers box;
 2. Diamond Tennis Bracelet, Golden Sun Jewelry box;
 3. Tiffany & Co. cross necklace in box and bag;
- qq. Miscellaneous Jewelry (24-FBI-008722):
 1. Mont Blanc Watch;
 2. Breitling Watch;
 3. Pandora Necklace;

4. Pandora Ring;

Miscellaneous Property/Assets:

- rr. All proceeds from the sale of Duo Lounge;
- ss. All of William Smith's interests/assets related to CO2 Investments, LLC, including but not limited to a \$50,000 investment held in escrow, and any dividend or payout he may be owed;

Real Property:

- tt. Real property located at 1977 Woodbridge, Detroit, MI 48207, and being more fully described as:

The Southerly 100 feet of Lot 3, Section 8, together with that part of Lot 2, Section 8, described as: Beginning at the Southeast corner of said Lot 3 and the North line of Woodbridge Street, 50.00 feet wide; thence Easterly along the North line of said Woodbridge Street, 14.00 feet; thence Northerly to a point which is 100.00 feet North of said Woodbridge Street and 7.02 feet East of the East line of said Lot 3; thence Westerly 7.02 feet along a line which is 100.00 feet North of and parallel to the North line of said Woodbridge Street to the East line of said Lot 3; thence Southerly along said East line of Lot 3 to the Southeast corner of Lot 3 and the Point of Beginning, SUBDIVISION OF THE ST. AUBIN FARM, SOUTH OF JEFFERSON A VENUE, according to the plat thereof as recorded in Liber 1 of Plats, page 35, Wayne County Records.

COMMONLY KNOWN AS: 1977 E. Woodbridge, Detroit, MI 48207

PARCEL ID: Ward 000091/Ward 09

TITLED TO: Biltmore Development Group, LLC;

- uu. Real property located at 6405 Penrod, Detroit, MI, and being more fully described as:

LOT 503, Frischkorn's Highlands No. 2, Subdivision, according to the plat thereof recorded in Liber 41, on Page 23 of Plats, Wayne Country Records

COMMONLY KNOWN AS: 6405 Penrod, Detroit, Michigan

PARCEL ID: Ward 22 Item 078261

TITLED TO: William Smith and Kimberly Smith;

- vv. Real property located at 11739 Heyden, Detroit, MI 48228, and being more fully described as:

W HEYDEN N 42FT 32 MAPLES PARK SUB L53P9 PLATS, WC R
22/285 42 X 125

COMMONLY KNOWN AS: 11739 HEYDEN, DETROIT, MI 48228

PARCEL ID: 22099870

TITLED TO: YBE Property Group, LLC, William A Smith;

- ww. Real property located at 12709 Cloverlawn, Detroit, MI 48238, and being more fully described as:

Lot 92, JAMES S. HOLDEN COMPANY CLOVERLAWN, as recorded
in Liber 46 page 14, of Plats, Wayne County Records

COMMONLY KNOWN AS: 12709 Cloverlawn, Detroit, Michigan 48238

PARCEL ID: Ward 16, Item No. 31483

TITLED TO: William Smith and Charlotte R. Smith;

- xx. Real property located at 14026 Mark Twain, Detroit, MI 48223, and being more fully described as:

Lot 263, SCHOOLCRAFT ALLOTMENT, as recorded in Liber 30, Page
23 of Plats, Wayne County Records

COMMONLY KNOWN AS: 14026 Mark Twain, Detroit, Michigan

PARCEL ID: Ward 22 Item 36655

TITLED TO: William Smith and Charlotte R. Smith;

- yy. Real property located at 15455 Gilcrest, Detroit, MI, and being more fully described as:

Land in the CITY of DETROIT, WAYNE County, State of MICHIGAN, LOT 181 CRESCENT HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 35 OF PLATS, PAGE 29, WAYNE COUNTY RECORDS

COMMONLY KNOWN AS: 15455 Gilchrist St., Detroit, Michigan

Tax Item Number: Ward 22 Item 65901

TITLED TO: KIMBERLY L. SMITH;

- zz. Real property located at 15791 Murray Hill, Detroit, MI 48227, and being more fully described as:

Land in the CITY of DETROIT, WAYNE County, State of MICHIGAN, LOT 378, B.E. TAYLOR'S LUANA SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 40 0 PLAT, PAGE 51, WAYNE COUNTY RECORDS

COMMONLY KNOWN AS: 15791 Murray Hill, Detroit, MI 48227

PARCEL ID: Ward 22 / Item 60441

TITLED TO: WILLIAM SMITH AND KIMBERLY SMITH;

- aaa. Real property located at 16500 Biltmore, Detroit, MI 48235, and being more fully described as:

E BILTMORE 832 BE TAYLORS RAINBOW SUB L41 P75 PLATS, WC R 22/6 37.98 X 106.6

COMMONLY KNOWN AS: 16500 BILTMORE, DETROIT, MI 48235
PARCEL ID: 22063967

TITLED TO: YBE Property Group, LLC, William A Smith;

- bbb. Real property located at 16510 Biltmore, Detroit, MI 48235, and being more fully described as:

Lot No. 831 B. E. Taylors Rainbow Subdivision, (Plats) as recorded in Liber 41, Page 75, Wayne County Records

COMMONLY KNOWN AS: 16510 Biltmore, Detroit, MI 48235

PARCEL ID: Ward 22 Item No: 063968

TITLED TO: William Smith III;

- ccc. Real property located at 16511 Biltmore, Detroit, MI;
- ddd. Real property located at 16527 Biltmore, Detroit, MI;
- eee. Real property located at 0000 Delta Pl., Lake Township MI 49642, or the proceeds thereof, and being more fully described as:

Lots 3, 4, 5, 43, 44, 45, and 46, Block 3, Stewarts Subdivision to Idlewild, Yates Township, Lake County Michigan according to the recorded plat thereof;

- fff. Real property located at 16551 Biltmore, Detroit, MI;
- ggg. Real property located at 16700 Biltmore, Detroit, MI 48235, and being more fully described as:

Lot 817, B. E. Taylor's Rainbow Subdivision, as recorded in Liber 41, Page 75 of plats Wayne County Records

COMMONLY KNOWN AS: 16700 Biltmore, Detroit, MI 48235

PARCEL ID: Ward 22 Item No: 063968

TITLED TO: William A. Smith;

- hhh. Real property located at 16717 Rutherford, Detroit, MI 48235, and being more fully described as:

LOT 71, PALMER FIELD SUBDIVISION, AS RECORDED IN LIBER 37, PAGE 7 OF PLATS, WAYNE COUNTY RECORDS

COMMONLY KNOWN AS: 16717 Rutherford, Detroit, MI 48235

PARCEL ID: Ward 22 / Item 056425

TITLED TO: WILLIAM A. SMITH;

- iii. Real property located at 17125 W. McNichols, Detroit, MI 48235, and being more fully described as:

S--W MC NICHOLS RD 156 THRU 161 FAIRFIELD SUB L47 P11 PLATS, WC R 22/7 129.72 X 100

COMMONLY KNOWN AS: 17125 W McNichols, Detroit, MI 48235

PARCEL ID: 22013061-6

TITLED TO: YBE Property Group, LLC, William A Smith;

- jjj. Real property located at 17207 W. McNichols, Detroit, MI 48235, and being more fully described as:

S--W MCNICHOLS S 80 FT 2 BE TAYLORS RAINBOW SUB L41 P75 PLATS, W C R 22/6 20 X 80

COMMONLY KNOWN AS: 17207 W McNichols, Detroit, MI 48235

PARCEL ID: 22013068

TITLED TO: YBE Property Group, LLC, William A Smith;

- kkk. Real property located at 18901 W. McNichols, Detroit, MI 48219, and being more fully described as:

S--W MC NICHOLS E 60 FT OF 252 THRU 250 EXC MC NICHOLS RD AS WD MYLAND SUB L33 P1 O PLATS, W C R 22/443 60 X 85.59A

COMMONLY KNOWN AS: 18901 W McNichols, Detroit MI 48219

PARCEL ID: 22013201.001

TITLED TO: YBE Property Group, LLC, William A Smith;

- III. Real property located at 18921 W. McNichols, Detroit, MI 48219, and being more fully described as:

S--W MC NICHOLS RD W 75 FT OF LOTS 252 THRU 250 EXC MC NICHOLS RD AS WE MYLAND SUB L33 P10 PLATS, WC R 22/445 75 X 86.91A

COMMONLY KNOWN AS: 18921 W McNichols, Detroit MI 48219

PARCEL ID: 22013201.002L

TITLED TO: YBE Property Group, LLC, William A Smith;

- mmm. Real property located at 21291 Equestrian, Northville, MI, and being more fully described as:

Unit 69, Maybury Park Estates, a Condominium, according to the Master Deed recorded in Liber 32412, Pages 650 through 726, inclusive, as amended, and designated as Oakland County Condominium Plan No. 1609, together with rights in general common elements and the limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

COMMONLY KNOWN AS: 21291 Equestrian Trail, Northville, Michigan 48167

PARCEL ID: 22-32-401-077

TITLED TO: William A. Smith and Kimberly L. Smith;

nnn. Real property located at 25307 Ross Drive, Redford Twp., MI 48239, and being more fully described as:

Lots 980 and 981, including¹/₂ vacated alley at the rear thereof, B.E. TAYLOR'S GOLF AND COUNTY CLUB SUBDIVISION NO. 2, according to the Plat thereof as recorded in Liber 59 of Plats, Page(s) 16, Wayne County Records

COMMONLY KNOWN AS: 25307 Ross Drive, Redford Twp., MI 48239

PARCEL ID: 79-026-03-0980-000

TITLED TO: Ross Drive LLC;

ooo. Real property located at 18966 Sussex, Detroit MI 48235, and being more fully described as:

E SUSSEX 1787 BLACKSTONE PARK SUB NO 2 L49 P47 PLATS, WC R 22/237 40 X 119.50. NEZ HOMESTEAD CERT #NH2011-0226 RELATED PARCEL #27110226.

COMMONLY KNOWN AS: 18966 Sussex, Detroit, MI

PARCEL ID: 22046395

TITLED TO: 48235 PROPERTIES, LLC;

ppp. The proceeds from the stipulated sale of real property located at 2087 Holtz Lane, Atlanta, GA 30318-9304;

qqq. Real property located at 11914 Deepwater Ridge Way, Cypress, TX 77433;

and

rrr. Real property located at 203 James Trimm Dr, Leland, MS 38756-2211.

With the exception of items s, t, and yy, the Court finds that the Subject Property constitutes proceeds of defendant's violations of 18 U.S.C. § 1343 and 1956—as well as property involved in money laundering in violation of 18 U.S.C. § 1956 or traceable to such property—and thus has a sufficient nexus for forfeiture. As to items s, t, and yy, the Court finds that these assets are subject to forfeiture as substitute property in satisfaction of the forfeiture money judgment, pursuant to 18 U.S.C. § 982(a)(1), 18 U.S.C. § 981(a)(1)(C) as incorporated by 28 U.S.C. § 2461, and 21 U.S.C. § 853(p), the extent that they do not constitute proceeds or property involved in money laundering. However, as to items s and t, pursuant to Fed. R. Crim. Pro. 32.2(c), the Court orders—and the parties stipulate—that forfeiture of the following assets will be subject to the Court's decision regarding payment of attorney fees (jointly, "Retirement Funds"):

- All Funds on deposit in the Capital Group Detroit Riverfront Conservancy 401K Account, Plan ID XXXX3824 (approximately \$633,982.87 as of 10/17/2024); and
- All Funds on deposit in the 401K Account for William Anthony Smith at Paychex, Inc. (approximately \$15,000 as of 2/11/2025).

These Retirement Funds are subject to ongoing briefing, and the Court has not yet decided whether to permit Mr. Smith to use these funds to pay his attorney fees, which is a recognized exception in *United States v. Smith*, Case No. 24-cv-11626, where the Court entered a Stipulated Preliminary Injunction Extending the Asset Freeze, but the parties agreed that certain funds (now items s and t in this Order)

might be subject to distribution for attorney's fees for Defendant's counsel of choice in this matter. *See* Case No. 24-cv-11626, ECF No. 25, Page ID # 527, citing *Luis v. United States*, 578 U.S. 5, 18 (2016). But apart from that dispute, the Government has met the requirements to forfeit the Retirement Funds as substitute property in satisfaction of the forfeiture money judgment, pursuant to 18 U.S.C. § 982(a)(1), 18 U.S.C. § 981(a)(1)(C) as incorporated by 28 U.S.C. § 2461, and 21 U.S.C. § 853(p). Accordingly, as to these funds the Court issues only a general order of forfeiture under Federal Rule of Criminal Procedure 32.2(c), and will amend the order as to the Retirement Funds under Rule 32.2(e)(1), identifying the specific amount of funds to be forfeited from the Retirement Funds in satisfaction of the forfeiture money judgment, when a decision on attorney fees is rendered.

3. Pursuant to Fed.R.Crim.P. 32.2(b)(4)(A), this Preliminary Order of Forfeiture shall become final as to defendant at sentencing (except as to the Retirement Funds—for which this order becomes final as to a specific amount of funds only after the court's resolution of the attorney fee issue), and the forfeiture of the Subject Property and entry of the forfeiture money judgment shall be made part of the defendant's sentence and shall be included in his Judgment.

4. Upon entry of this Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any proceedings to comply with the statutes governing third party rights, including giving notice of

this Order. Pursuant to 21 U.S.C. § 853(n), Fed. R. Crim. P. 32.2, and other applicable rules, the United States shall publish notice of this Preliminary Order of Forfeiture and of its intent to dispose of the Subject Property on www.forfeiture.gov, for at least thirty consecutive days. The United States may also, to the extent practicable, provide direct written notice to any person or entity who appears to be a potential claimant with standing to contest forfeiture in an ancillary proceeding. The aforementioned notice shall direct that any person, other than the defendant, asserting a legal interest in any of the Subject Property must file a petition with the Court within thirty (30) days of the final date of publication of notice or within thirty (30) days of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Property. Any petition filed by a third party asserting an interest in any of the Subject Property must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the identified Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the identified Subject Property, any additional facts supporting the petitioner's claim, and the relief sought.

5. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on any ancillary petition, the United States may conduct discovery in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues in the ancillary proceeding.

6. If no third-party files a timely petition for any of the Subject Property before the expiration of the period provided in 21 U.S.C. § 853(n)(2), then this Preliminary Order of Forfeiture shall become the Final Order of Forfeiture as provided in Fed. R. Crim. P. 32.2(c)(2).

7. If a third-party files a timely petition for ancillary hearing regarding any of the Subject Property, the Court shall enter a final order of forfeiture by amending this Preliminary Order of Forfeiture as necessary to account for any third-party rights as provided under Fed. R. Crim. P. 32.2(c)(2).

8. Pursuant to 21 U.S.C. § 853(n)(7), the United States shall have clear title to the Subject Property and shall be authorized to dispose of the Subject Property as prescribed by law following the Court's disposition of any petitions for ancillary hearing, or, if none are filed, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for filing such a petition.

9. The Court shall retain jurisdiction to enforce this order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

SO STIPULATED AND AGREED:

JULIE A. BECK

Acting United States Attorney

/s/ K. Craig Welkener

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Dated: April 2, 2025

IT IS SO ORDERED.

Dated: April 7, 2025

/s/ Gerald K. Evelyn

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Dated: April 3, 2025

s/Susan K. DeClercq

Honorable Susan K. DeClercq

United States District Judge